

**REMARKS**

The Office has stated that Claims 4, 7, 8 and 18 are objected to, but would be allowed if rewritten in independent form. Thus, independent claims 1 and 14 have been amended to include the limitations of claim 4 and 18 respectively. Claims 9-11, 14, 16 and 18 have been cancelled. Thus, claims 1-3, 5-8, 17, 19 and 21 are pending and remain in the application. No new subject matter has been added.

**A. 35 U.S.C. § 103(a)****Kanack in view of Chapin- Claims 1-3, 5, 6, 9-11, 14, 16, 17, 19 and 21**

Claims 1-3, 5, 6, 9-11, 14, 16, 17, 19 and 21 stand rejected under 35 U.S.C. § 103(a) as being anticipated by the U.S. Patent No. 5,526,172 issued to Kanack et al (hereinafter "Kanack") in view of the U.S. Patent No. 6,022,225 issued to Chapin et al (hereinafter "Chapin") (Office Action, pages 2).

Regarding independent claims 1 and 17, and dependent claims 2, 3, 5, 6, 19 and 21 (claims 9-11, 14 and 16 having been canceled), the Office contends (and Applicants do not concede) that it would have been obvious to dispose the moveable actuator of Chapin over the fixed actuator of Kanack in order to have a stronger force between the capacitor plates of Kanack. (Office Action, page 2).

However, independent claims 1 and 17 have been amended to include the limitations of the allowable claims 4 and 18, respectively. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because

neither Kanack nor Chapin teach or even suggest all of the limitations of allowable claims 1 and 17, claims 1 and 17 are not rendered obvious by Kanack in view of Chapin. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 1 and 17 are respectfully requested.

Because the dependent claims are allowable for at least the reason as depending from allowable base claims, Applicants are not substantively addressing the rejections of the dependent claims at this time. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 2, 3, 5, 6, and 19 and 21 which depend from claims 1 and 17 respectively, are respectfully requested.

In view of the foregoing remarks, the Applicants request allowance of the application. Please forward further communications to the address of record. If the Examiner needs to contact the below-signed agent to further the prosecution of the application, the contact number is (503) 264-0944.

Respectfully submitted,

Dated: April 13, 2004

s/Kathy Ortiz/s  
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